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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,659	09/29/2003	Michael Gomer Stelljes JR.	9372	2454

27752 7590 11/03/2005

THE PROCTER & GAMBLE COMPANY
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EXAMINER

LONEY, DONALD J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 11/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/673,659

Applicant(s)

STELLJES ET AL.

Examiner

Donald Loney

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 10-23 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>06/23/05,09/12/05</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by either Donnelly (3708366) or Ruppel et al (5846636) as presented in the last office action, dated May 18, 2005.

Donnelly discloses an embossed multiply sheet wherein the first face comprises non-adhesively bonded embossed sites (section just to the right of 9' which can be considered the top of the embossment) and adhesively bonded non-embossed sites at 13. Refer to figure 3, which is substantially the same as applicant's figure 1A. Ruppel et al discloses two sheets 5, 6 that are embossed and adhesively 9 bonded at non-embossed sites. Refer to figures 1 and 4. They are show as nesting like applicant's figure 1. Also, refer to figure 4 showing the adhesive 9 at the same location as applicant's adhesive bonded region 20 in instant figure 3. The non-adhesively bonded embossed sites of the prior art (i.e. the sections between the protuberances on roll 2 which do not have adhesive thereon) are also located at the same location as the applicant's embossed sites 16 in figure 3.

3. Claims 1, 4, 5 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruppel et al as presented in the last office action, dated May 18, 2005.

Art Unit: 1772

Ruppel et al discloses two sheets 5, 6 that are embossed and adhesively 9 bonded at non-embossed sites. Refer to figures 1 and 4. They are shown as nesting like applicant's figure 1. Also, refer to figure 4 showing the adhesive 9 at the same location as applicant's adhesive bonded region 20 in instant figure 3. The non-adhesively bonded embossed sites of the prior art (i.e. the sections between the protuberances on roll 2 which do not have adhesive thereon) are also located at the same location as the applicant's embossed sites 16 in figure 3. The height of the embossments is 1-2mm (i.e. 1000-2000 μ m). The sheet caliper would be at least 39-79 mils (1000-2000 μ m) since the embossments are of this height. The area bonded by the adhesive is disclosed as .1-20%. The sheet can be in roll form per column 3, lines 44-46 disclosing toilet paper or paper towels. The adhesive is disclosed in dot form. Refer to column 2, lines 13-65 and column 4, lines 17-30.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruppel et al as presented in the last office action, dated May 18, 2005.

The primary reference teaches the invention substantially as recited except for the specific properties of the above claims, which are all drawn to strength properties of the

Art Unit: 1772

product. See the 35 U.S.C. 102 rejection above. Ruppel et al does disclose that it is known that embossing multiply sheets results in improved liquid absorption, touch and softness.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to the Ruppel et al to vary the strength properties of the product as desired for its particular application (i.e. tissue and or toilet paper) in order to form an improved product therefrom.

Response to Arguments

6. Applicant's arguments filed August 11, 2005 have been fully considered but they are not persuasive. The applicant argues that Donnelly teaches adhesively bonded embossed sites and non-adhesively bonded non-embossed sites which is in direct contrast to the instant claims. The applicant also argues that Ruppel teaches both adhesively bonded areas and non-adhesively bonded areas having embossed and embossed sites. This is not found persuasive since the final structure of the articles is the same and the process limitations as to embossed and non-embossed areas does not give rise to a structurally distinguishable article from the prior art. The recitation as to embossed and non-embossed areas is just a matter of how one looks at the structure. The examiners interpretation of the embossed and non-embossed sites is that embossed sites are raised from the non-embossed sites. One can clearly see that applicants' figure 1a is the same structure as shown in Donnellys' figure 3 in that the embossed sites (raised section just to the right of 9') are non-adhesively bonded and

Art Unit: 1772

the lower section (just below adhesive 13) can be considered the adhesively bonded non-embossed sites. Ruppel also teaches the same structure arising from figure 1.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

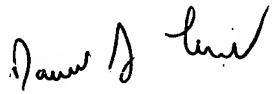
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Loney whose telephone number is (571) 272-1493. The examiner can normally be reached on Mon, Tues, Thurs and Fri. 8AM-4PM, flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Donald Loney
Primary Examiner
Art Unit 1772

DJL:D.Loney
10/31/05